

Attorney Docket No.: 0918.0064C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the PATENT application of

Mabry, Thomas T.

Group Art Unit: 2879

Serial No.: 09/641,685

Examiner: Berck, Kenneth A

Filed: August 18, 2000

For: Locking Device For Microchannel Plate In Image Amplifier Tube

TRANSMITTAL LETTER

Commissioner For Patents
Alexandria, Virginia
To: Office of Petitions
Attention: Karen Cressy

FAX RECEIVED

SEP 25 2003

PETITIONS OFFICE

Applicant is submitting the attached PETITION TO WITHDRAW APPLICATION FROM
ISSUE BEFORE SEPTEMBER 30, 2003 DUE TO PTO MISTAKE UNDER 37C.F.R. 1.313.
by telefax for prompt action by the Office Of Petitions.

The following facsimile transmission contains the following:

- 1) Transmittal Letter (1 page);
- 2) Petition to Withdraw Application From Issue Before September 30, 2003 (2 pages);
- and
- 3) Exhibits A, B and C (3 pages).

Please charge deposit account No. 05-0460 for the \$130.00 fee required under
37CFR 1.17(h). The PTO is also authorized to charge any additional fees necessary for
consideration of this petition.

Respectfully submitted,



Martin Abramson
Registration No. 25,787

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office, Fax No. (703)305-3590 on September 25, 2003.

Aime K. Desrosiers-Chapman

Signature: 

EDELL SHAPIRO, & FINNAN, LLC
1901 Research Boulevard, Suite 400
Rockville, Maryland 20850

OFFICIAL - FACSIMILE TRANSMISSION

Date: September 25, 2003
To: Examiner Berck, Kenneth A.
Group Art Unit 2879
Voice:

Facsimile Tel. No.: (703)308-6916

Number of Pages (including cover sheet) 3

From: Martin Abramson

Voice: (301)424-3640

Atty Docket: 0918.0064C

Edell, Shapiro, & Finnan, LLC
1901 Research Boulevard
Suite 400
Rockville, Maryland 20850

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SEP 25 2003

PETITIONS OFFICE

In re the PATENT application of

Thomas Theodore Mabry

Serial No.: 09/641,685

Group Art Unit: 2879

Filed: August 18, 2000

Examiner: Berck, Kenneth A.

For: LOCKING DEVICE FOR MICROCHANNEL PLATE IN IMAGE AMPLIFIER TUBE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following facsimile transmission contains the following:

- 1) Transmittal Letter (1 page);
- 2) Petition to Withdraw Application From Issue Before September 30, 2003 (2 pages);
- and
- 3) Exhibits A, B and C (3 pages).

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)305-3590 on September 25, 2003.

Amy K. Desrosiers-Chapman

Signature:



#13

Attorney Docket No.: 0918.0064C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the PATENT application of

Mabry, Thomas T.

Group Art Unit: 2879

Serial No.: 09/641,685

Examiner: Berck, Kenneth A.

Filed: August 18, 2000

FAX RECEIVED

SEP 25 2003

For: Locking Device For Microchannel Plate In Image Amplifier Tube

PETITIONS OFFICE

**PETITION TO WITHDRAW APPLICATION FROM ISSUE BEFORE
SEPTEMBER 30, 2003 DUE TO PTO MISTAKE UNDER 37C.F.R.1.313.****(Filed by Telefax)**

37C.F.R.1.313(b) states that after the issue fee has been paid, the Office may withdraw the application from issue due to "a mistake on the part of the Office."

In the present case, the mistake is that the patent is set to issue on September 30, 2003, even though Applicant was given until October 11, 2003 to file corrected drawings (see Exhibit A), which are necessary to make a suitable presentation of the invention.

The present application was filed on August 18, 2000 with informal drawings. However, in the Notice of Allowability (Exhibit B), it is stated that the drawings filed on August 18, 2000 are accepted by the Examiner.

After the issue fee was paid, a Notice Regarding Drawings with a PTO-948 Notice of Draftperson's Patent Drawing Review attached (Exhibit A) was mailed on August 11, 2003, giving Applicant two months to submit formal drawings. Such drawings have already been prepared and are ready to be filed. However on September 16, 2003, Applicant received an Issue Notification (Exhibit C) stating that the patent is set to issue on September 30, 2003. In a telephone conversation with the Office of Patent

Thomas Theodore Mabry
Atty. Docket No. 0918.0064C

Publication it was learned that the Notice Regarding Drawings had never been entered by the PTO to the official application file.

It is therefore requested that the application be withdrawn from issue at PTO initiative as required by 37C.F.R.1.313.(b). It is submitted that good and sufficient reasons for the granting of this petition have been presented.

The undersigned may be reached by telephone at 301-530-5629.

Respectfully Submitted,

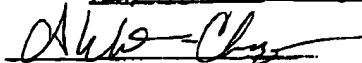


Martin Abramson
Registration No. 25,787

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)305-3590 on September 25, 2003.

Amy K. Desrosiers-Chapman

Signature:



EDELL, SHAPIRO, FINNAN & LYTLE, LLC
1901 Research Boulevard
Suite 400 Rockville,
Maryland 20850



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09 644,685 | 8/10/00 | Thomas | 0910.0064C |

Martin Abramson
Epstein, Edell, Shapiro & Fisman, LLC
Suite 400
1901 Research Boulevard
Rockville, MD 20850-3164

Examiner
BERCK
Art Unit 2879 Paper Number #12

Date Mailed:
8/11/03

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SEP 25 2003

Notice Regarding Drawings

PETITIONS OFFICE

Corrected drawings for the above-identified application, received in the USPTO on 8/18/00 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Drawing Review

RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


Bridget B. Gray
Office of Patent Publication,
Publishing Division
703-305-8404

FILE

DVIC20030900

Exhibit A

Form PTO-948 (Rev. 03/03)

Application No. 641,685U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

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SEP 25 2003

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 8/18/03 are:A. approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. X objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

PETITIONS OFFICE

1. **DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required). Color drawings are not acceptable until petition is granted. Fig(s) Pencil and non black ink not permitted. Fig(s) 2. **PHOTOGRAPHS.** 37 CFR 1.84(b) 1 full-tone set is required. Fig(s) Photographs may not be mounted. 37 CFR 1.84(e)
 Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) Poor quality (half-tone). Fig(s) 3. **TYPE OF PAPER.** 37 CFR 1.84(c) Paper not flexible, strong, white, and durable. Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) 4. **SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes: 21.0 cm by 29.7 cm (DIN size A4) or 21.6cm by 27.9cm (8 1/2 x 11 inches) All drawing sheets not the same size. Sheet(s) Drawings sheets not an acceptable size. Fig(s) 5. **MARGINS.** 37 CFR 1.84(g): Acceptable margins: Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm Margins not acceptable. Fig(s) 3, 6, 7X Top (T) Left (L) Right (R) Bottom (B)6. **VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

 Views not labeled separately or properly. Fig(s) 7. **SECTIONAL VIEWS.** 37 CFR 1.84(h)(3) Sectional designation should be noted with Arabic or Roman numbers. Fig(s) 8. **ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i) Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) 9. **SCALE.** 37 CFR 1.84(k) Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) 10. **CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)X Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 1111. **SHADING.** 37 CFR 1.84(m) Solid black areas pale. Fig(s) Solid black shading not permitted. Fig(s) 12. **NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)X Numbers and reference characters not plain and legible. Fig(s) 11X Figure legends are poor. Fig(s) 11 Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) 13. **LEAD LINES.** 37 CFR 1.84(q) Lead lines missing. Fig(s) 14. **NUMBERING OF SHEETS OF DRAWINGS.**

37 CFR 1.84(i)

 Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) 15. **NUMBERING OF VIEWS.** 37 CFR 1.84(u) Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) 16. **DESIGN DRAWINGS.** 37 CFR 1.152 Surface shading shown not appropriate. Fig(s) Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)

COMMENTS:

Reviewer Bridget Conway

If you have questions, call (703) 305-8404.

Date 8-6-03Attachment to Paper No.

Notice of Allowability

Application No.

09/641,685

Examiner

Ken A Berck

Applicant(s)

MABRY, THOMAS THEODORE

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amend B.
2. ☒ The allowed claim(s) is/are 4-14.
3. ☒ The drawings filed on 18 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-882) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Exhibit B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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| | | | | |
|-------------------------------|--------------------------|-----------------------|-----------------------------------|--------------------------|
| APPLICATION NO. 09/641,685 | ISSUE DATE 09/30/2003 | PATENT NO. 6628073 | ATTORNEY DOCKET NO. 0018.0064C | CONFIRMATION NO. 7079 |
|-------------------------------|--------------------------|-----------------------|-----------------------------------|--------------------------|

7590

09/11/2003

Martin Abramson
Epstein, Edell, Shapiro & Finnian, LLC
Suite 400
1901 Research Boulevard
Rockville, MD 20850-3164

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SEP 25 2003

PETITIONS OFFICE

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 238 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 238 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Thomas Theodore Mabry, Roanoke, VA;

DATE: _____
PAGE One: _____
DUE: _____

100-1111

Exhibit C